MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3206 OF 2006
IN
FIRST APPEAL NO.1632 OF 2006

The New India Assurance Co.Ltd. Applicant
versus
Macchindra Bhaivaji Umate & ors. Respondents

Mr.S.M.Vidyarthi for applicant.
Mr.Balasaheb Deshmukh for respondents 1 to 4.

CORAM : A.S.OKA, J.

DATE : 01st March 2007

PC :

1. Heard learned advocates for the parties. The entire amount due and payable under the impugned award has been deposited by the appellant with the concerned Tribunal. The deceased is the wife of the first respondent. Considering the facts and circumstances of the case, the Civil Application is disposed of by passing following order.

2. ORDER :-

a) First respondent will be permitted to withdraw

a sum of Rs.1.00 lakh (Rs.One lakh only) without security which will be subject to the final outcome of the appeal;

b) Rest of the amount deposited by the appellant shall be invested in Fixed Deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till final disposal of the appeal;

c) First respondent will be entitled to withdraw 50% of the interest accrued on the fixed deposit on behalf of second to forth respondents. This arrangement will continue till second to forth respondents attain majority;

d) As and when respondent nos.2 to 4 attain majority, they will be entitled to seek modification of this order for seeking permission to withdraw a reasonable amount without furnishing security.

3. Civil Application disposed of in the above terms.

(A.S.OKA, J.)